

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Matthew Toney Jackson

Docket No. 5:16-CR-91-1E

Petition for Action on Supervised Release

COMES NOW Dewayne L. Smith, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Matthew Toney Jackson, who, upon an earlier plea of guilty to Possession of a Firearm by a Convicted Felon, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2) and 2, was sentenced in the Middle District of North Carolina by the Honorable Catherine C. Eagles, U.S. District Judge, on November 24, 2014, to the custody of the Bureau of Prisons for a term of 24 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years.

Matthew Toney Jackson was released from custody on February 5, 2016, at which time the term of supervised release commenced. On February 25, 2016, a Violation Report was submitted to the Middle District of North Carolina advising that Jackson tested positive for marijuana on February 10, 2016, which was confirmed through laboratory analysis on February 21, 2016. The defendant signed an admission of drug use form, was verbally reprimanded for this drug use, and was counseled about his actions. The probation officer recommended to continue supervision and requested to transfer jurisdiction. On April 8, 2016, jurisdiction was transferred to the Eastern District of North Carolina. On April 26, 2016, a Petition for Action was submitted advising that the defendant tested positive for marijuana on April 9, 2016. He was referred to outpatient substance abuse counseling, and as a sanction for this violation, he was ordered to complete 5 days in jail. On March 13, 2017, a Petition for Action was submitted advising that the defendant was charged in Wilson County with Possession of Marijuana Up to ½ Ounce and Possession of Drug Paraphernalia (17CR50551). Additionally, Jackson tested positive for marijuana on February 28, 2017. He admitted to drug use but denied the criminal conduct. As a sanction, he was ordered to complete 60 days curfew with electronic monitoring. The probation officer recommended to continue supervision pending the adjudication of these new charges. On September 27, 2017, a Violation Report was submitted advising that the defendant was charged in Wilson County with Resisting a Public Officer (17CR53061). The court agreed to continue supervision pending the adjudication of this new charge, which remains pending.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On December 18, 2017, the defendant tested positive for marijuana, which was confirmed through laboratory analysis on December 22, 2017. During a home inspection on January 4, 2018, Jackson admitted using marijuana on November 30, 2017, and he signed an admission of drug use form. Additionally, on December 5, 2017, the defendant pled guilty to City/Town Ordinance Violation (originally charged with Possession of Marijuana Up to ½ Ounce and Possession of Drug Paraphernalia) in Wilson County District Court (17CR50551). As a sanction for these violations, the probation office is recommending that he be placed on 90 days curfew with electronic monitoring. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 90 consecutive days. The defendant is restricted to residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Dewayne L. Smith
Dewayne L. Smith
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: 252-830-2338
Executed On: January 5, 2018

ORDER OF THE COURT

Considered and ordered this 8th day of January 2018, and ordered filed and
made a part of the records in the above case.

Malcolm J. Howard
Malcolm J. Howard
Senior U.S. District Judge